

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Legislative Policy: State-Mandated Local Program Costs

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M-13

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**Purpose**

To establish the Board of Supervisors' legislative policy regarding mandated local program costs, and to provide guidance to the County's legislative representatives when providing input to legislators and elected officials.

**Background**

Counties have long struggled with the burden of under-funded or unfunded State and federal mandates. Although in recent years both State and federal legislative bodies have given attention to this issue, this issue has not been satisfactorily resolved.

**State Mandates**

In 1972, the Legislature enacted SB 90, a bill that was supposed to require the State to reimburse local governments for the cost of unfunded State mandates. In 1975, the State created by statute a process for reviewing unfunded mandate claims utilizing the State Board of Control. In 1979, voters adopted Proposition 4, which added Article XIII B to the State Constitution. Proposition 4, among other things, sought to provide constitutional support for the prohibition of unfunded mandates, and an improved claims process. The State Board of Control process was replaced in 1984 by establishment of the Commission on State Mandates, which continues to review claims by local governments to determine if an action by the Legislature is a reimbursable State mandate.

Notwithstanding this legislative activity, counties continue to be burdened with under-funded or unfunded mandates for a number of reasons. The two main reasons are (1) Proposition 4 does not cover pre-existing mandates -- i.e., those enacted prior to 1975; (2) Proposition 4 exempted various categories of laws, notably those increasing penalties for crimes, from its prohibitions. Thus, counties are unable to seek reimbursement for the most expensive State-required programs which represent approximately 90% of the "discretionary" portion of county budgets. These mandated programs include jails, felony prosecution, indigent defense, probation, indigent and public health, general assistance, tax administration, and voter registration, to name a few.

**Federal Mandates**

In 1995 Congress passed, and the President signed, mandate relief legislation. Like State legislation, federal mandate relief does not address existing mandates, which must be addressed on a program-by-program basis.

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**Policy**

The legislative policy of the Board of Supervisors regarding State and federal mandated local program costs and revenue limitations is as follows:

1. Oppose legislation which would mandate increased local program costs without simultaneously appropriating sufficient funds to fully reimburse local agencies for the total increased costs.
2. Oppose State or federal administrative regulations which would result in increased local program costs without providing reimbursement to local agencies for the total of all such costs.
3. Oppose legislation which would result in revenue losses to local agencies without simultaneously appropriating sufficient funds to fully reimburse local agencies for the total of all such revenue losses or commensurately reducing program costs.
4. Support legislation which would provide an appeal procedure regarding State SB 90 disclaimers more favorable to local agencies.
5. Support legislation which would require the full-cost reimbursement for all mandated costs and revenue losses.
6. Support legislation that would eliminate statutory automatic cost-of-living adjustments in locally administered mandated programs.
7. Oppose legislation reducing subventions to local agencies providing mandated services, without a concomitant reduction in service requirements.
8. Support legislation which would repeal mandated services which are unfunded.
9. Oppose legislation which would reduce the ability of local governments to effectively pursue reimbursement through the claims process.
10. Support legislation which would expand local government representation on the existing Commission on State Mandates.
11. Support legislation which would prohibit the State from mandating that a county participate in a specific demonstration or pilot project without the express consent of the board of supervisors of that county.

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12. Oppose a "super mandate" which would set as the first priority of local government one type of service or services, such as law enforcement or fire services, without regard for other mandated services.

13. Oppose legislation which would impose on counties a mandated service for which the county is required to raise a local fee or tax to generate monies to fund the services.

14. Support a constitutional amendment or legislation which would permit a local agency to decline to provide a service if funds have not been provided, or to discontinue a service after all State and federal funds provided have been exhausted.

15. Support legislation which would protect residents of the unincorporated area from the costs which may result from region-wide mandates.

16. Support a constitutional amendment which would repeal the current exemption for legislation defining a new crime or change the existing definition of a crime.

17. Oppose legislation which "discounts" the cost, and thus decreases offsetting revenue, of realigned programs transferred by the State to counties.

18. Support a constitutional amendment which would require the Legislature or any State agency to pay for any new program, higher level of service, or increased costs mandated on local governments.

19. Support legislation which would require that no statute, executive order, or regulation could mandate a new program or higher level of service on local government sooner than 90 days after the Commission on State Mandates determines that sufficient funds have been appropriated for the changes.

20. Support legislation which would include mandate reform as part of a comprehensive review to restructure the present assignment of program responsibilities and funding to realign resources with responsibilities.

**Responsible Departments**

1. Auditor and Controller

2. Office of Strategy and Intergovernmental Affairs

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**Sunset Date**

This policy will be reviewed for continuance by 11-30-02.

**References**

Board Action 1-12-77 (26)

Board Action 8-3-77 (13)

Board Action 2-18-81 (5)

Board Action 12-11-84 (27)

Board Action 2-9-88 (4a)

Board Action 6-16-98 (2)

Chapter 1406, Statutes of 1972

Article XIII B, Section 6 of Constitution